

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

**MISC 12 - 0186**

In the Matter of the Application of

Oleg Vladimirovich Deripaska, for an order, pursuant to 28 U.S.C. § 1782, to obtain discovery from Arik Kislin for use in an action pending in the High Court of Justice, Queen's Bench Division, Commercial Court, styled *Michael Cherney v. Oleg Vladimirovich Deripaska*, Claim No. 2006 Folio 1218.

Misc. No. \_\_\_\_\_

**WEINSTEIN, J.**

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

2012 MAR - 9 AM 10:42

FILED  
CLERK

**DECLARATION OF ZENA MOUNT-NAMSON  
IN SUPPORT OF OLEG VLADIMIROVICH DERIPASKA'S  
APPLICATION PURSUANT TO 28 U.S.C. § 1782 FOR AN ORDER  
COMPELLING DISCOVERY FOR USE IN A FOREIGN LITIGATION**

Zena Mount-Namson declares as follows pursuant to 28 U.S.C. § 1746 and Rule 1.4 of the Local Rule of the United States District Courts for the Southern and Eastern Districts of New York:

1. I am a member of the Bar of this Court and an associate in Quinn Emanuel Urquhart & Sullivan, LLP's ("Quinn Emanuel") New York office. I make this affirmation in support of Oleg Vladimirovich Deripaska's application pursuant to 28 U.S.C. § 1782 for issuance of an order compelling Arik Kislin to produce certain documents for use in a civil proceeding entitled *Michael Cherney v. Oleg Vladimirovich Deripaska*, Claim No. 2006 Folio 1218, currently pending in England before the High Court of Justice, Queen's Bench Division (the "English Action").

2. I am familiar with the facts set forth in this Declaration from personal knowledge and from discussions with my colleagues at Quinn Emanuel.

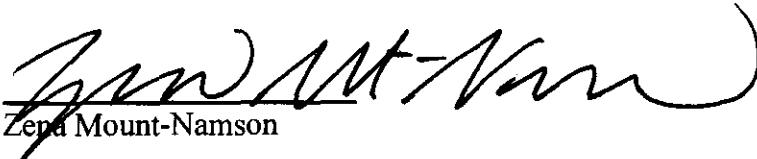
3. On March 7, 2012, Mr. Deripaska applied to the Southern District of New York, by order to show cause, for permission to seek discovery in aid of a foreign litigation pursuant to 28 U.S.C. § 1782.

4. On March 7, 2012, United States District Judge Denise Cote ordered Arik Kislin to show cause before the Court on March 13, 2012, why an order should not issue pursuant to 28 U.S.C. § 1782 directing Mr. Kislin to produce documents pursuant to service of a subpoena. A true and correct copy of Judge Cote's March 7, 2012 Order To Show Cause is attached hereto as Exhibit 1.

5. I have been informed that Quinn Emanuel's process servers have determined that Mr. Kislin resides in the Eastern District of New York. Accordingly, Mr. Deripaska will voluntarily withdraw his application in the Southern District of New York and now seeks the same relief from this Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 8, 2012.

  
Zepa Mount-Namson

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

12 MISC 00075

In the Matter of the Application of

Oleg Vladimirovich Deripaska, for an order, pursuant to 28 U.S.C. § 1782, to obtain discovery from Arik Kislin for use in an action pending in the High Court of Justice, Queen's Bench Division, Commercial Court, styled *Michael Cherney v. Oleg Vladimirovich Deripaska*.

Misc. No.

USDC SDNY
PROPOSED ORDER TO
SHOW CAUSE
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/7/2012

Upon the Declaration of Judd R. Spray, sworn to on March 7, 2012, and upon the accompanying Memorandum of Law, it is ORDERED, that Arik Kislin show cause before this Court, at Room ~~218~~<sup>21B</sup>, United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, on March 13, 2012, at 10<sup>00</sup> o'clock in the for noon thereof, or as soon thereafter as counsel may be heard, why an order should not issue pursuant to 28 U.S.C. § 1782 directing Mr. Kislin to produce documents pursuant to service of the Subpoena herein; and it is further

ORDERED that a copy of this Order To Show Cause, together with the papers upon which it is granted and the Subpoena herein, be personally served upon Arik Kislin and London counsel for Michael Cherney on or before March 8, 2012, by 5<sup>00</sup> o'clock in the after noon thereof and that such service be deemed good and sufficient; and it is further

ORDERED that papers in opposition to the Application, if any, shall be served by hand, facsimile, or e-mail upon Mr. Deripaska's counsel, Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue, 22<sup>nd</sup> Floor, New York, New York, 10010, on or before March 12, 2012, at 5<sup>00</sup> o'clock in the after noon thereof.

So ordered.

James G. He  
Part I  
March 7, 2012

Dated: New York, New York  
March 7, 2012

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United States District Judge

A handwritten signature, likely of the United States District Judge, is written in black ink. The signature is stylized, starting with a large 'J' and ending with a long, sweeping horizontal stroke.